

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL L. GERMAIN,)	
Plaintiff)	
)	Civil Action
V.)	
)	No. 04-12470-DPW
JOHN DINUCCIO, and)	
RONALD A. HEMEON,)	
Defendants)	

JOINT SCHEDULING STATEMENT

Now come the parties in the above captioned matter and respectfully submit the following proposed joint scheduling statement.

We believe a two-phase discovery process may be in order in the captioned matter: The first phase will provide each party an opportunity to evaluate the case, and the second phase will, if necessary, prepare for trial.

- A.
1. Initial Disclosures pursuant to Rule 26(a), F.R.Civ.P., to be completed by April 30, 2005;
 2. All amendments to pleadings to be filed on or before May 15, 2005.
 3. All written discovery propounded pursuant to Fed.R.Civ.P. 26(b) to be answered before 7/31/05.
 4. All depositions of fact witnesses to be completed on or before 9/30/05; the parties reserve the right during the second stage of this process to preserve their witnesses' testimony for time of trial through video deposition consistent with the Federal Rules of Civil Procedure, Federal Rules of Evidence, and The Rules of the United States District Court for the District of Massachusetts.
- B. If necessary, phase two would consist of the following:
1. Plaintiff's designation of experts and complete answers to expert interrogatories on or before 10/31/05.

2. Defendants' designation of experts and complete answers to expert interrogatories on or before 11/30/05.
3. Completion of any allowed expert depositions on or before 12/31/05.
4. All dispositive motions to be filed on or before 1/31/06.
5. Final Pretrial Conference some date after 1/31/06.

Certifications required by Rule 16.1 of the Rules of the United States District Court for the District of Massachusetts will be separately filed by counsel for each party.

Respectfully submitted for
Plaintiff, Paul L. Germain,
by his attorney,

/s/ David J. Berg

Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

Respectfully submitted for
Defendant Ronald Hemeon,
by his attorney,

/s/ Leonard W. Langer

TOMPKINS, CLOUGH, HIRSHON
& LANGER, P.A.
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Respectfully submitted for
Defendant John DiNuccio,
by his attorney,

/s/ Kevin F. Gillis

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781-575-1848

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

Dated: April 11, 2005

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL L. GERMAIN,
Plaintiff

V.

JOHN DINUCCIO, and
RONALD A. HEMEON,
Defendants

Civil Action

No. 04-12470-DPW


AFFIDAVIT

I, Paul L. Germain, hereby depose and state as follows:

1. I have discussed with my attorneys the probable budget for the costs of conducting the full course - and various alternative courses - of the litigation.
2. I have discussed with my attorneys potential resolution of the litigation through the use of alternative dispute resolution programs.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY
THIS 19 DAY OF FEBRUARY, 2005.


Paul L. Germain


David J. Berg